

EXHIBIT 4

Contains Confidential Portions

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC.,)
MARVEL CHARACTERS, INC.,)
and MVL RIGHTS, LLC,)
)

Plaintiffs,)

vs.)

Case No.
10-141-CMKF

LISA R. KIRBY, BARBARA J.)
KIRBY, NEAL L. KIRBY, and)
SUSAN N. KIRBY,)
)

Defendants.)

-----)

REVISED

PARTIALLY CONFIDENTIAL
PURSUANT TO PROTECTIVE ORDER
(Pages 66 through 70)

VIDEOTAPED DEPOSITION OF LAWRENCE LIEBER
New York, New York
January 7, 2011

Reported by:

KATHY S. KLEPFER, RMR, RPR, CRR, CLR
JOB NO. 35338

1 L. Lieber

2 remember.

3 I -- I know I was doing, sometime
4 back, I did The Hulk newspaper strip. That
5 started out with my brother writing it and me
6 drawing it, penciling it, and it didn't do well
7 and he finally said I could write it, and I
8 wrote that for a while. But it didn't last too
9 long and but I don't remember when these things
10 were.

11 Q. Okay. We're going to focus today on
12 the period from 1958 to 1965, so that's fine.

13 A. Uh-huh.

14 Q. I think you mentioned that you started
15 working at Marvel in about 1958?

16 A. I could tell you, yeah, it was -- it
17 was -- well, I remember the date. This I happen
18 to remember. June, the end of June.

19 Q. Okay.

20 A. About then, yeah. '58.

21 Q. And how did you come to work for
22 Marvel?

23 A. Stan offered me -- I had to earn a
24 living. I had been living with relatives and I
25 was going to the Art Students League studying

1 L. Lieber

2 Journey Into Mystery.

3 Q. Okay.

4 A. They had about three stories in the
5 magazine, drawn by different people.

6 Q. And when you say you were writing the
7 stories, what exactly were you writing? I mean,
8 what would you -- what would you turn in? What
9 was the form it came in?

10 A. Oh, I would turn in the script.

11 Q. Okay.

12 A. A script.

13 Q. Okay. Can you tell me what did a
14 script look like?

15 A. What did a script look like? Well, if
16 it was seven-page story, I would have each page
17 what was on the page. Usually, there were six
18 panels on a page and I would describe the action
19 in the first -- in the first panel. I would
20 have to -- I would have to describe the action
21 to the artist in the first panel, and then if
22 there was a caption like so and so entered, you
23 know, here or a monster was coming to town or
24 something, I would have to write the caption and
25 then I would have to write the dialogue.

1 L. Lieber

2 I also, you know, I also, in doing
3 this, I had to use the sense of the visual.
4 Comics are different from novels in that it's a
5 visual medium, so you have to be -- know that.
6 And it's also sequential, so the artist has to
7 have a sense of sequence and story. But both
8 are doing them, you know, about playing a part.

9 But a page of script would have panel
10 one, panel two, panel three. Didn't have to
11 have six panels. Sometimes if there was a lot
12 of action, you might play up that panel and only
13 have five, let's say, one panel across.

14 Q. Okay. So it wouldn't look like -- it
15 wouldn't just be a short story, it would be --
16 it would describe the --

17 A. Oh, no. It would be panel by panel.
18 No. No.

19 Q. And where would -- how would you get
20 the idea for the story? How would you know what
21 to write about?

22 A. Well, my brother made up the plot and
23 gave me a synopsis.

24 Q. And your brother is?

25 A. Stan Lee. I'm sorry.

1 L. Lieber

2 Q. And did all of the ideas for stories
3 come from Stan Lee or was there any other way
4 you would get ideas?

5 A. No, they all came from Stan Lee.

6 Q. Did you ever work on -- did you ever
7 get artwork that you would then write the
8 dialogue for, or did you always write the script
9 first?

10 A. I always wrote the script first,
11 except later on, I --

12 Q. We don't have to worry about -- I'm
13 focusing you, I'm sorry, I'm focusing you on the
14 period 1958 to 1965.

15 A. I would think during that period I
16 always did, but there was a time -- but I don't
17 know when it was, that's why I started to say
18 that -- when I once or twice did it differently.
19 But I always wrote a script here.

20 Q. Okay.

21 A. I always wrote the script.

22 Q. Who came up with the ideas for the
23 characters that would be in the story?

24 A. Stan. Well, wait a minute. You say
25 the characters?

1 L. Lieber

2 Q. Yes.

3 A. Stan. Yes. Yes. Stan, yes. Yes,
4 sure.

5 Q. Who was responsible for giving you the
6 assignment to write a particular script or a
7 particular --

8 A. Stan.

9 Q. When he would give you an assignment,
10 did you have a deadline or something that you
11 had to get it back by a certain time?

12 A. I remember -- well, I knew I had to do
13 it fast, and the only thing I remember a little
14 more vividly is with I think it was Jack Kirby
15 where he would say Jack needs work and he was
16 concerned about getting it to him. He said,
17 "Write this," and, you know, sometimes I would
18 write, and if it was weekend, I wouldn't wait
19 until Monday to bring it into the office to give
20 it to Stan, but I remember going over to the
21 West Side, the main post office at night and
22 mailing it.

23 And I was learning to write in the
24 early years so I wasn't too fast, and Jack was
25 very fast and a wonderful, wonderful artist. So

1 L. Lieber

2 I used to think, gee, well, you know, he draws
3 faster than I can write, but I -- I wrote and
4 mailed it to him.

5 Q. When you say you were learning to
6 write, what do you mean by that?

7 A. Well, when I started, as I said, Stan
8 said to me, you know, I said I'm not a writer.
9 When he's giving me this, I never thought of
10 writing. He said, and I repeat, he said, "I
11 read your letters and I can teach you what you
12 need." So he did. For the first year or two,
13 you know, I was learning. He would go over my
14 work and, you know, do things. After a while, I
15 did better and I -- and I enjoyed it.

16 Q. Did he ever make changes to your
17 stories or the scripts you would turn in?

18 A. In those days, yes. Changes in not in
19 the basic story or anything, because I knew how
20 to tell a story as well as anybody, I think, in
21 terms of sequentially and what to draw, what to
22 tell the artist. That was one area because I'm
23 wanting to be an artist myself, and I thought I
24 had a very good sense of the drama and what to
25 put down, what to draw.

1 L. Lieber

2 But writing was a little different.
3 Stan had his own way of writing and his own --
4 using as few words as possible, making them
5 count, and he -- he was a good editor. So I
6 learned from him. I learned well enough that I
7 was able to give a course some years later for
8 him.

9 Q. You mentioned that Stan would give you
10 the synopsis or the plot. How? How would he
11 give that to you? Would he --

12 A. As far as I remember, it was -- you
13 mean written. He would give it written to me.

14 Q. And then after you did the assignment
15 and you -- what would happen? Then you would
16 bring it to the office?

17 A. I would grow to the office with it.
18 Yeah, I would bring it to the office.

19 Q. And what would happen next?

20 A. He would go over it and, as I said, if
21 it were in the early years, he might correct or
22 change a line or two. But he always used it.
23 He, he -- I never had to, you know, go home and
24 do it again. He was very easy, he was showing
25 me. He said, "Oh, you could have said this.

1 L. Lieber

2 You could have done that," and he'd make some
3 little corrections. And as time went on, he had
4 fewer to make.

5 Q. Do you know what would happen to the
6 script after Stan went over it and made whatever
7 changes?

8 A. Yeah. It would be sent to the artist,
9 I would guess.

10 Q. Okay.

11 A. Whether it was, you know, the various
12 artists, yeah.

13 Q. Did you ever -- did you have any
14 contact with the story after you turned it in
15 and made whatever changes?

16 A. No.

17 Q. Did you ever have discussions with
18 artists about the stories or the scripts?

19 A. No.

20 Q. You mentioned Jack Kirby. Did you
21 ever have any interactions with Jack Kirby when
22 he was drawing scripts that you had done?

23 MR. TOBEROFF: Assumes facts.

24 A. What's that?

25 Q. Let me take a step back then.

1 L. Lieber

2 A. Yes.

3 Q. Do you know the story behind the
4 creation of Thor?

5 A. No.

6 Q. Do you know who came up with the idea
7 for Thor?

8 A. No.

9 Q. Did you ever work on the comic Thor?

10 A. Yes.

11 Q. What was your involvement?

12 A. I got the synopsis, the plot from
13 Stan, and I wrote the first script of Thor.
14 That was it.

15 Q. And when you say "the script," that's
16 what we were talking about before that told
17 panel by panel?

18 A. Panel by panel and description of it,
19 yes.

20 Q. Did you see any artwork on Thor before
21 you wrote the script?

22 A. I don't recall seeing any. I don't
23 know.

24 Q. Do you know who, after you turned in
25 the script, do you know who the artist was that

1 L. Lieber

2 drew Thor?

3 A. I believe it was Jack Kirby.

4 Q. Did you have any conversations or any
5 interactions with Jack Kirby about the Thor
6 book?

7 A. No, not that I recall.

8 Q. Did you come up with any of the names
9 in Thor?

10 A. Yes.

11 Q. What did you come up with?

12 A. The civilian name of Don Blake I made
13 up. And I also came up with his hammer. I made
14 that, which people know about. My Uru hammer, I
15 created that.

16 Q. And where did you get the name Uru
17 hammer?

18 A. I just made it up, as far as I know.
19 I might have read it. I used to -- Stan liked
20 the way I made up names, civilian names, and I
21 used to, from my years of doing these, what do
22 you call it, these fantasy books, monster books,
23 and I used to look at the back of dictionary,
24 Miriam Webster had biographical names and
25 geographical, so I would look in towns and if I

1 L. Lieber

2 liked the town, I might put it. And it was kind
3 of fun and he liked what I did.

4 Now, I don't know if I found "Uru"
5 someplace or I just made it up or whatever. I
6 know I made it short because I felt that Thor
7 might be around a while and I was always
8 worrying about the letterer or somebody. I was
9 worrying about somebody else's feeling, and I
10 figured, well, if I make it U-R-U, there's not
11 that much to letter. And since nobody knows the
12 name of it, I'll make it a short name. So
13 that's why I did that.

14 And Don Blake I just thought sounded
15 like a doctor and, you know, to fit the
16 personality. I tried to get names that fit
17 the -- the person.

18 Q. Who came up with the name Thor, the
19 hero name?

20 A. Not me. I don't know. Stan, I guess.
21 But I don't -- yeah, yeah, Stan.

22 Q. And just to follow up on something you
23 said, you mentioned a letterer, what was the job
24 of the letterer?

25 A. Well, when the -- when the -- I give a

1 L. Lieber

2 and I made it up." He looked a little surprised
3 and walked away, and then I stopped writing it
4 and he would -- I don't know if he was writing
5 it or somebody else, but they gave it another
6 name, which I believe was the authentic name
7 from Bulfinch's Mythology. So ...

8 Q. Was it the usual practice that you
9 would write a book for a few issues and then you
10 would move on to something else?

11 A. It seems that way. You know, I don't
12 remember. I -- I've been looking at the books
13 and it seems with a few of them I did. I -- I
14 wrote a few books, the first issue or the first
15 couple issues, yes. I don't, yeah, I don't know
16 how it came about that way and why I moved on.
17 I don't recall.

18 Q. Who would make the decision about who
19 was going to write the scripts for a book?

20 A. It would be Stan, I'm sure, as the
21 editor.

22 Q. Are you familiar with a comic called
23 Iron Man?

24 A. Yes.

25 Q. And what was your involvement with

1 L. Lieber

2 Iron Man?

3 A. I wrote the first script for Iron Man
4 also.

5 Q. And who asked you to write the first
6 script for Iron Man?

7 A. Stan. Stan Lee.

8 Q. Stan Lee. And what -- what did he
9 provide you with or what did he ask you to do?

10 MR. TOBEROFF: Assumes facts.

11 A. I'm sorry, I --

12 Q. If you understand the question, you
13 can --

14 MR. TOBEROFF: That's okay. I'm just
15 objecting for the record.

16 THE WITNESS: Oh, okay.

17 MS. SINGER: Lawyer stuff.

18 A. What was the question, if I may?

19 Q. Fair enough. How, how did you come to
20 write the first script for Iron Man?

21 A. He made up a character and he
22 wanted -- and he asked me to write it. And he
23 told me the plot, you know, somehow I got
24 synopsis, and I -- and I wrote it. And again, I
25 made up the civilian name.

1 L. Lieber

2 Q. And the "he" there is Stan Lee?

3 A. Thank me for Anthony Stark.

4 I'm sorry, what?

5 Q. I'm sorry, the "he" in that was Stan
6 Lee?

7 A. Yes, Stan Lee.

8 Q. So you came up with the name Anthony
9 Stark?

10 A. Yes.

11 Q. And where did you come up with that
12 name?

13 A. I don't know, but I guess I -- I had
14 been writing so many. Again, either I just made
15 it up or I felt it was a name that would fit a
16 guy who was very, very rich and a lady -- you
17 know, I wanted -- I thought it sounded
18 distinguished and wealthy or something. Anthony
19 Stark.

20 Q. I agree. I like it.

21 After you wrote the first -- strike
22 that. I'm sorry. And the script that you wrote
23 for Iron Man, was that a full script with the
24 panel breakdown?

25 A. Yes. Yes.

1 L. Lieber

2 Q. Okay. After you finished writing the
3 first script for Iron Man, what happened? What
4 did you do next with the script?

5 A. I sent it to the artist who -- yeah.
6 Or else I -- I either brought it to the office
7 and handed it to Stan, who must have sent it, or
8 else I sent it. I don't know.

9 Q. Okay.

10 A. Probably I brought it to the office, I
11 would say.

12 Q. Do you know who the artist was who
13 drew the first Iron Man?

14 A. You know, I don't remember. It was
15 either Jack or Don Heck, I think. Other people
16 know, and if I had the book, I could tell you.
17 I think it might have been Don Heck, but I'm not
18 sure.

19 Q. Did you ever look at the penciled
20 drawings after or look at the inked drawings or
21 look at the final book after you had turned in
22 the script? Did you look at a book again?

23 A. No, I would say I don't recall looking
24 at the book. I don't recall anything until the
25 book came out and I got a copy of it and saw.

1 L. Lieber

2 There would be no reason for me to look at it.

3 Q. Okay. Do you know whether -- strike
4 that. I'm sorry.

5 Did you come up with any of the other
6 elements of Iron Man?

7 A. You mean the -- in the story parts? I
8 don't recall.

9 Q. Okay.

10 A. I really don't.

11 Q. Let's talk about Ant-Man.

12 A. That was another one I wrote, and I
13 came up with his name too.

14 Q. What was Ant-Man's name?

15 A. Henry Pym, P-Y-M.

16 Q. And how did you come up with his name?

17 A. I think I probably -- in the back of
18 Miriam Webster somewhere there was somebody Pym.
19 And I thought "Henry" sounded like a scientist
20 and "Pym" made it catching and different and
21 exotic. So I came up with that.

22 Q. How -- what was your involvement,
23 besides coming up with the name Henry Pym, what
24 was your involvement?

25 A. I think I wrote the first -- the first

1 L. Lieber

2 script. I think I did. I believe I did.

3 Q. And how did you come to write the
4 first script?

5 A. The same way as the other. Stan had
6 said he had an idea for a character, he wanted
7 to write the story and for one of the books and
8 told me or gave me, you know, a synopsis and I
9 went home and wrote it.

10 Q. Do you remember what the plot was for
11 the first Ant-Man?

12 A. No. No. I'm sorry, I don't.

13 Q. What did you do after you finished
14 writing the script for the first Ant-Man?

15 A. Well, either I sent it to the person.
16 I think the Ant-Man, I think it was Jack Kirby
17 who drew it, so I would have either sent it to
18 him, if it was late, or I would have brought it
19 to the office and then handed it to Stan.

20 Q. And just to be clear, the -- when you
21 wrote the script for Ant-Man, that was also with
22 the full breakdown of the panels?

23 A. I believe so.

24 MR. TOBEROFF: Objection to form.

25 Q. That's fine. He just didn't like my

1 L. Lieber

2 you missed Milly when she was handing out the
3 checks, then you went to bookkeeping and went
4 over to Milly and she opened her drawer and
5 said, "Here's your check." But if you didn't
6 come into the office, I don't remember if they
7 sent them to you. Maybe they then sent them to
8 you at home. I -- I don't recall getting it at
9 home. I know I got paid.

10 Q. That was my next question. Did you
11 get paid for all the work you did for Marvel?

12 A. Yes. Yes.

13 MR. TOBEROFF: Objection.

14 Q. Do you know what Milly's last name
15 was? Do you remember?

16 A. No.

17 Q. Okay.

18 A. No.

19 Q. When you received -- were you always
20 paid by check from Marvel?

21 A. You mean as opposed to cash?

22 Q. Yes.

23 A. No. It was always check. Always
24 check.

25 Q. Do you recall --

1 L. Lieber

2 MR. TOBEROFF: Just a second. Could
3 you do me a favor and just pause before
4 answering a question so I have room to
5 object before? I'm supposed to object
6 before you answer.

7 THE WITNESS: Yes.

8 MR. TOBEROFF: I'm supposed to object
9 before you answer.

10 THE WITNESS: Okay.

11 MR. TOBEROFF: Sometimes if you answer
12 too rapidly, I would be talking over you. I
13 don't want to do that.

14 THE WITNESS: Okay.

15 MR. TOBEROFF: Thank you.

16 BY MS. SINGER:

17 Q. When you would receive a check from
18 Marvel, was there anything printed on the check
19 besides, you know, your name and the amount?

20 MR. TOBEROFF: Objection.

21 A. Yes.

22 MR. TOBEROFF: Go ahead.

23 Q. You can answer.

24 A. I paused.

25 Q. Good work.

1 L. Lieber

2 Was there anything, just to be clear
3 so for the record --

4 A. Yes, there was something printed on
5 the back.

6 Q. And what was printed on the back of
7 the check?

8 A. I don't recall the exact words, but
9 the gist of it was that I was giving up all
10 rights to it, that the work, you know, now is
11 with the company and -- and I don't remember the
12 exact wording, but I think it was something
13 "giving up your rights" or "all rights." That
14 was the way I interpreted it anyway. I didn't
15 think much about it because I felt the only
16 reason I was doing it was to get paid, you know.

17 Q. And do you recall that those words or
18 something to that effect being on the back of
19 every check you got from Marvel for that period
20 from 1958 to '65?

21 MR. TOBEROFF: Objection as to form.

22 A. I don't know the year, you know, all
23 the years and I don't know if it was. I
24 remember in the early years seeing it.
25 Afterwards, I had been so used to it that I

1 L. Lieber

2 wouldn't have noticed if it was still there or
3 not. I didn't think anything of it, so I don't
4 remember if it lasted until '65 or when it
5 stopped or occasionally or whatever.

6 Q. Do you have any recollection that it
7 stopped at some point?

8 A. No. No.

9 Q. Let's talk about The Rawhide Kid. Did
10 you have any involvement in The Rawhide Kid?

11 A. Oh, yes. Yes. I wrote The Rawhide
12 Kid and I drew it. It had been written, yeah,
13 before me by Stan and Jack Kirby.

14 Q. So did you write the first issue of
15 The Rawhide Kid?

16 A. No. No. No. No, I -- I, no, it --
17 it came when Jack moved on to doing
18 super-heroes.

19 Q. What -- how did you come to work on
20 Rawhide Kid?

21 A. I don't remember whether I initiated
22 it or Stan offered it to me. I -- I liked -- it
23 was an opportunity for me to write and draw the
24 same strip, and that appealed to me. I felt I
25 would have more control over it. And at that

1 L. Lieber

2 MS. SINGER: 19 out of 20 -- 19 out of
3 30, I'm sorry. The very last line on page
4 19.

5 MR. TOBEROFF: "Getting back to the
6 writing aspect"?

7 MS. SINGER: Yes, carrying over.

8 Q. And you say, "They were full scripts
9 and I didn't think of Jack when I wrote it at
10 all. All I thought of was will Stan like this
11 or will he tell me, 'Larry, this isn't good, you
12 can't do this.' I didn't want to hear something
13 like that."

14 Is that consistent with your
15 recollection?

16 A. Yes.

17 Q. There's a reference here to "Marvel
18 style." Do you know what that is?

19 A. I believe so. You want me --

20 Q. What's your understanding of what
21 Marvel style was?

22 A. The Marvel style is what Stan did, or
23 I think I said in the interview it began around
24 the time of the super-heroes and with Jack
25 Kirby, perhaps with others, I don't know. Jack

1 L. Lieber

2 might have been -- I think Jack was the first.
3 And where he would discuss a story or a plot
4 with the artist and the artist would write it --
5 not write, I'm sorry. The artist would lay it
6 out and draw it with enough knowledge about what
7 the story is and leave room for dialogue to come
8 later.

9 Q. And the "he" there was Stan Lee?

10 A. I'm sorry?

11 Q. The "he" when you said "he"?

12 A. Stan Lee. It would be Stan Lee and
13 the artist.

14 Q. Okay.

15 A. Yeah, that would be -- and I think
16 that was called the Marvel style.

17 Q. The way -- when we talked about the
18 first script for Iron Man and the first script
19 for Thor and the first script for Ant-Man, were
20 those Marvel style?

21 A. No.

22 MR. TOBEROFF: Objection to form.

23 Q. Was the first scripts for Marvel --
24 strike that. Let me start again.

25 Were the scripts that you wrote for

1 L. Lieber

2 Iron Man, Ant-Man and Thor, were those Marvel
3 style?

4 A. No.

5 MS. SINGER: Can we take just go off
6 the record for just two minutes?

7 MR. TOBEROFF: Sure.

8 MS. SINGER: Because I might be done.

9 THE VIDEOGRAPHER: The time is 12:07
10 P.M. We're now off the record.

11 (Pause in the proceedings.)

12 THE VIDEOGRAPHER: The time is
13 12:07 -- I'm sorry, 12:08 P.M. We're now on
14 the record.

15 MS. SINGER: Mr. Lieber, I have no
16 further questions. So now it is Mr.
17 Toberoff's turn.

18 MR. TOBEROFF: Why don't we take a
19 five-minute break to organize some of the
20 exhibits.

21 MS. SINGER: Okay.

22 THE VIDEOGRAPHER: This concludes tape
23 number 1. The time is 12:08 P.M. We are
24 now off the record.

25 (Recess.)